

Notice of Allowability

Application No.

10/048,045

Examiner

Gregory R. Del Cotto

Applicant(s)

HAZENKAMP ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 7/6/04.
2. ☒ The allowed claim(s) is/are 16-28, 30 renumbered 1-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.


5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/20/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory R. Del Cotto
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Mansfield on July 20, 2004.

The application has been amended as follows:

The Claims:

In claim 16, line 1, delete "Water-soluble" and insert – Slow and controlled dissolving water-soluble --.

In claim 16, line 1, before "manganese" insert – salen- --.

In claim 16, line 3, before "manganese" insert – salen- --.

In claim 17, line 1, before "manganese" insert – salen -.

In claim 18, line 1, delete "that comprise as manganese complex a compound of formula (1)".

In claim 19, line 1, delete "that comprise as manganese complex a compound of formula (1)".

In claim 20, line 1, delete "that comprise as manganese complex a compound of formula (1)".

In claim 21, line 1, delete "that comprise as manganese complex a compound of formula (1)".

In claim 22, line 1, delete "comprise" and insert – consist essentially of --.

In claim 23, line 1, delete "comprise" and insert – consist essentially of --.

In claim 24, line 1, delete "comprise" and insert – consist essentially of --.

In claim 25, line 1, delete "comprise" and insert – consist essentially of --.

In claim 26, line 1, delete "comprise" and insert – consist essentially of --.

In claim 27, line 1, delete "comprise" and insert – consist essentially of --.

In claim 28, line 1, delete "comprise" and insert – consist essentially of --.

Cancel claim 29.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/04 has been entered.

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's amendments and Applicant's arguments are sufficient to place the instant claims in condition for allowance.

Of the references of record, the most pertinent are Bacher et al (US 5,965,506), EP 902,083, or EP 630,964. EP 902,083 teaches a detergent composition containing 5 to 90% of a surfactant, 5 to 70% of a builder, 0.1 to 30% of a peroxide, and 0.005 to 2% of a manganese compound. See page 6, lines 1-30. EP 630,964 teaches a detergent

composition containing the same components in the same proportions as EP 902,083. See page 4, lines 25-45. However, as pointed out in Applicant's arguments and in the instant specification on page 1, paragraph 3, the granules of the instant claims are formulated for gradual dissolution while the granules disclosed in the prior contain water-soluble peroxides and builders which would promote a granule which would dissolve rapidly and contrary to the problem solved by Applicant's invention. The Examiner asserts that "consisting essentially of" as now recited by the instant claims would exclude the presence of peroxygen compounds and builder materials as required in the compositions taught by '083 or '964.

Bacher et al teach a fabric bleaching composition containing a peroxy compound and 0.0005% to 0.5% of a water-soluble manganese compound. See column 2, lines 15-30. All of the examples of Bacher et al contain sodium perborate monohydrate, which is a highly water-soluble peroxygen compound, in combination with a manganese complex. Furthermore, any of the ingredients which would be encompassed by the terminology "dissolution restrainer" as taught by Bacher et al are used in combination with water-soluble builder materials. As noted above, the granules of the instant claims are formulated for gradual dissolution while the granules disclosed in the prior contain water-soluble peroxides and builders which would promote a granule which would dissolve rapidly and contrary to the problem solved by Applicant's invention. The Examiner asserts that "consisting essentially of" as now recited by the instant claims would exclude the presence of peroxygen compounds and builder materials as required in the compositions taught by Bacher et al.

None of the references, alone or in combination, teach or suggest water-soluble granules of salen-manganese complexes consisting essentially of a water-soluble salen- manganese complex, a dissolution restrainer, and the other requisite components of the composition in the specific proportions as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest granules as recited by the instant claims, the instant claims are deemed allowable.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
July 19, 2004